

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**GENERAL POWER OF ATTORNEY**  
(for several applications filed in the USPTO)

As a representative of the Assignee, Medtronic Spine LLC, a Delaware limited liability company, I hereby appoint the Practitioners associated with the Customer Number 000046333 to act as our attorneys or agents to prosecute applications filed under Customer Number 000046333 and transact all business in the Patent and Trademark Office connected herewith.

Please address all correspondence and telephone calls regarding this application to:

**Haynes and Boone, LLP**  
901 Main Street, Suite 3100  
Dallas, TX 75202-3789  
(972) 680-7557  
(214) 200-0853 – Fax  
[ipdocketing@haynesboone.com](mailto:ipdocketing@haynesboone.com)

The undersigned is the representative for the Assignee of the entire right, title, and interest in the patent application submitted herewith. A copy of the assignment or other documents in the chain of title, if applicable, are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.

May 20, 2008  
Date

Medtronic Spine LLC  
By: Noreen C. Johnson  
Noreen C. Johnson

Vice President

Title

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

000046333

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

000046333

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	


Assignee Name and Address:

Medtronic Spine LLC  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	May 2, 2008
Name	J. Andrew Lowes	Telephone	972-680-7557
Title	Appointed Practitioner		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Reiley, Mark A. et al.Application No./Patent No.: 7044954 Filed/Issue Date: May 16, 2006Entitled: Method For Treating A Vertebral Body

Medtronic Spine LLC, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

- REILEY, Mark A.; SCHOLTEN, Arie; TALMADGE,  
Karen D.; SCRIBNER, Robert M.; REO, Michael L.
1. From: \_\_\_\_\_ To: Kyphon Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: Kyphon Inc. To: Medtronic Spine LLC  
The document was recorded in the United States Patent and Trademark Office at  
Reel 020993, Frame 0042, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Julie M. Nickols  
Signature

6/18/08  
Date

Julie M. Nickols, Registration No. 50,826

Printed or Typed Name

(972) 739-8640

Telephone Number

Appointed Practitioner

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## **ASSIGNMENT**

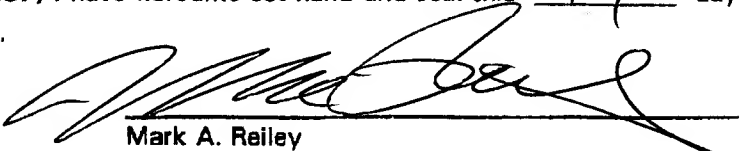
**WHEREAS**, Mark A. Reiley of Piedmont, California; Arie Scholten of Fremont, California; Karen D. Talmadge of Palo Alto, California; Robert M. Scribner of Los Altos, California; and Michael L. Reo of Redwood City, California (hereinafter referred to as ASSIGNORS), have invented and own a certain invention entitled A Sterile Kit for Holding a Single Use, Expandable Structure Intended for Deployment in Bone for which application for Letters Patent of the United States has been filed on August 15, 1997 as Serial No. 08/911,805 (attorney's Docket No. 2570-CIP 4);

**WHEREAS**, Kyphon, Inc. of Menlo Park, California (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries;

**NOW THEREFORE, TO ALL WHOM IT MAY CONCERN:** Be it known that in consideration of the payment of ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNORS hereby sell, assign and transfer to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

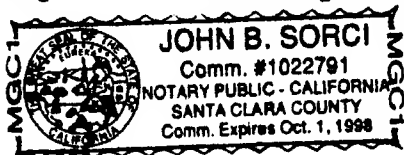
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS THEREOF, I have hereunto set hand and seal this 19 day  
of June, 1998.  
  
Mark A. Reiley

State of Calif. )  
County of Santa Clara ) ss.

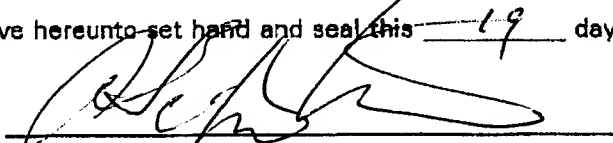
Personally appeared before me this 19 day of June, 1998,  
the above named Mark A. Reiley, to me known to be the person who executed the foregoing  
Assignment and acknowledged the same as his free act and deed.



(Seal)

John B. Sorci  
Notary Public  
My commission expires 1 oct 98

\*\*\*\*\*

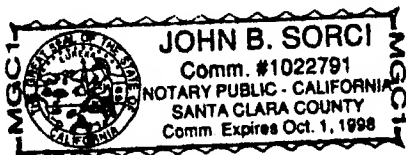
IN WITNESS THEREOF, I have hereunto set hand and seal this 19 day  
of June, 1998.  
  
Arie Scholten

State of Calif. )  
County of Santa Clara ) ss.

Personally appeared before me this 19 day of June, 1998,  
the above named Arie Scholten, to me known to be the person who executed the foregoing  
Assignment and acknowledged the same as his free act and deed.

John B. Sorci  
Notary Public  
My commission expires 1 oct 98

(Seal)

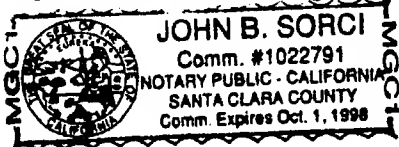


IN WITNESS THEREOF, I have hereunto set hand and seal this 19 day  
of June, 1998.

Karen D. Talmadge  
Karen D. Talmadge

State of Calif. )  
County of Santa Clara ) ss.

Personally appeared before me this 19 day of June, 1998,  
the above named Karen D. Talmadge, to me known to be the person who executed the foregoing  
Assignment and acknowledged the same as his free act and deed.



John B. Sorci  
Notary Public  
My commission expires 1 Oct 98

(Seal)

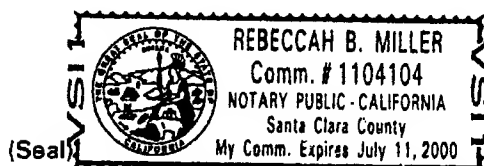
\* \* \* \* \*

IN WITNESS THEREOF, I have hereunto set hand and seal this 29 day  
of May, 1998.

Robert M. Scribner  
Robert M. Scribner

State of CA )  
County of Santa Clara ) ss.

Personally appeared before me this 29<sup>th</sup> day of May, 1998,  
the above named Robert M. Scribner, to me known to be the person who executed the foregoing  
Assignment and acknowledged the same as his free act and deed.



Rebecca B. Miller  
Notary Public  
My commission expires 7/11/2000

(Seal)

\* \* \* \* \*

IN-WITNESS THEREOF, I have hereunto set hand and seal this 18 day  
of JUNE, 1998.

Michael L. Reo  
Michael L. Reo

State of California )  
County of Santa Clara ) ss.

Personally appeared before me this 18th day of June, 1998,  
the above named Michael L. Reo, to me known to be the person who executed the foregoing  
Assignment and acknowledged the same as his free act and deed.

HAER. CHOI

Notary Public  
My commission expires Jan-31-2002

(Seal)

